

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

RONALD J. SMITH,	)	
	)	
Plaintiff,	)	C.A. No. 05-119 (SLR)
	)	
v.	)	
	)	
E. I. DU PONT DE NEMOURS AND	)	
COMPANY, a Delaware corporation,	)	
	)	
Defendant.	)	

**AFFIDAVIT OF MARY JO ANDERSON**

STATE OF DELAWARE	)	
	)	ss
COUNTY OF NEW CASTLE	)	

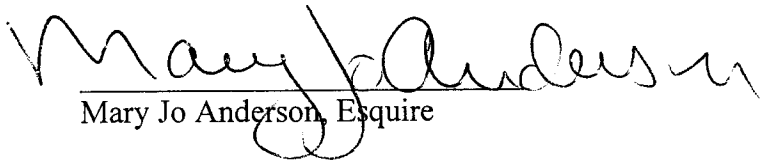
I, Mary Jo Anderson, being duly sworn, do depose and say as follows:

1. I am employed by E.I. du Pont de Nemours and Company ("DuPont"), the defendant in this action, as Corporate Counsel. I submit this affidavit in support of Defendant's Motion to Dismiss the complaint. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would competently testify thereto.

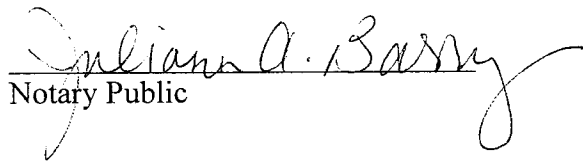
2. DuPont records consistently indicate that Plaintiff Ronald J. Smith retired from DuPont on November 30, 1991.

3. DuPont records further consistently indicate that Plaintiff Ronald J. Smith began receiving pension benefits under the DuPont Pension and Retirement Plan on December 1, 1991.

4. Plaintiff Ronald Smith wrote to DuPont on May 7, 2002 requesting a change in his pension beneficiary designation, and stating that his date of retirement was November 30, 1991. A true and correct copy of that letter is attached hereto as Exhibit 1.

  
Mary Jo Anderson, Esquire

SWORN TO and subscribed before me  
this 29<sup>th</sup> day of April, 2005.

  
Notary Public

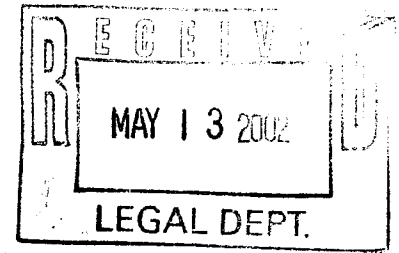
**JULIANN A. BARRY**  
**Notary Public-Delaware**  
**My Commission Expires Aug. 9, 2006**

# **EXHIBIT 1**

678 Walker School Road  
Townsend, DE 19734

May 7, 2002

Marsha Cauthen  
DuPont Legal D7033  
1007 Market Street  
Wilmington, DE 19898



Ms Cauthen:

The purpose of this letter is to request your approval to change my pension beneficiary designation.

I was married to Charlotte D. Smith at the time of my retirement, 11/30/91 where she was named as beneficiary on my pension. In January 1993, we signed a Separation and Property Settlement Agreement where both parties agreed to waive legal rights to interests in the other's pension. We were divorced in December 1993 and that agreement was made part of the divorce decree.

Enclosed is a copy of the Separation and Property Settlement Agreement and the Final Decree of Divorce. Please refer to paragraph 15 regarding pension interests.

Thanks in advance for your attention to this matter. I look forward to your response in order that I can make the necessary changes to my beneficiary designation.

Regards,

Ronald J. Smith  
SSN 162-32-2893

H. 302 659 1093  
W 856 224 4849